

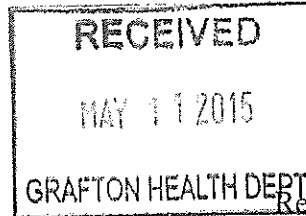
Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Central Regional Office • 8 New Bond Street, Worcester MA 01606 • 508-792-7650

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor



Matthew A. Beaton  
Secretary

Martin Suuberg  
Commissioner

Mark Troiano  
Troiano Trucking, Inc.  
109 Creeper Hill Road  
N. Grafton, MA 01536

Re: Grafton-RCC Permit  
Animal Feed Dehydrator  
Transmittal Number: X259964  
FMF Number: 348652

**PERMIT for RECYCLING, COMPOSTING or CONVERSION (RCC) OPERATION**  
**DRAFT PERMIT APPROVAL**

Dear Mr. Troiano:

The Massachusetts Department of Environmental Protection ("MassDEP") has completed its technical review of the BWP SW 46 – Recycling, Composting or Conversion ("RCC") permit application (the "Application") concerning the proposed Troiano Trucking, Inc. animal feed dehydrator operation (the "Operation") to be located at Troiano Trucking, Inc., 109 Creeper Hill Road, North Grafton, Massachusetts (the "Site"). The Application was submitted on your behalf by Tech Environmental, Inc. of Waltham, Massachusetts.

MassDEP has reviewed the Application in accordance with its authority under Massachusetts General Laws, Chapter 111, Section 150A & 150A½ and the regulations at 310 CMR 16.00: "*Site Assignment Regulations for Solid Waste Facilities*," more specifically, the provisions and requirements established at 310 CMR 16.05: "*Permit for Recycling, Composting and Conversion (RCC) Operations*."

As a result of MassDEP's review of the original and revised Application, it hereby determines that the submitted information complies with the requirements contained at 310 CMR 16.05 and hereby issues this draft RCC permit approval for the Operation (copy attached).

In accordance with the requirements of 310 CMR 16.05(5), the draft RCC permit approval is required to be the subject of a public review and a thirty-day (30-day) public comment period, whereby any person is provided the opportunity to review the Application and the draft RCC permit approval and submit written comments to MassDEP concerning the proposed permit action (the draft RCC permit approval). The Department shall also schedule a public hearing on the draft RCC permit approval if one or more criteria of 310 CMR 16.05(5)(d) is met, including but not limited to a request by the Town of Grafton.

You are required to provide public notice of the draft RCC Permit Approval in a daily or weekly newspaper of general circulation in the locality of the Operation and shall contain all the information specified in 310 CMR 16.05(5)(a)2. Proof of Public Notice shall be achieved by submitting to MassDEP a copy of the published Public Notice.

MassDEP will accept any written comments from any person up to 30 days from the date the public notice is first published in a newspaper or a later date specified in the public notice. Written comments should be mailed to:

James A. McQuade  
Massachusetts Department of Environmental Protection  
Solid Waste Management Section  
8 New Bond Street  
Worcester, Massachusetts 01606

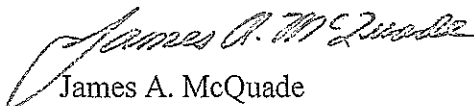
At the conclusion of the 30-day public comment period and after the public hearing (if one is held), and upon receipt of any written comments, MassDEP will review and consider the comments relative to the regulations and requirements contained at 310 CMR 16.05. Should it be determined that the Application will require additional information or that the Application must be modified in order to address the comments, MassDEP will solicit such information from the Applicant.

Upon review of any comments and any additional information required, MassDEP will issue its RCC permit decision on the Application. The RCC permit decision is final after the twenty-first (21<sup>st</sup>) day following the issuance of the RCC permit decision unless a request for an adjudicatory hearing is filed in a timely manner.

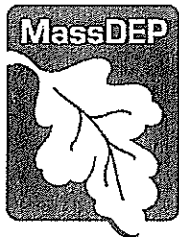
Should there be any questions regarding this matter, please contact Mike Penny of this office at 508. 767. 2835.

Sincerely,

05/06/15  
Date

  
James A. McQuade  
Section Chief  
Solid Waste Management

Cc: Grafton Board of Health  
Joe Laydon, Grafton Planning Department  
Michael T. Lannan, P.E., Tech Environmental, Inc.  
Howard Vinton, Feed Control Official, Division of Crop and Pest Services, MDAR  
Lorraine O'Connor, Chief Veterinary Officer, Division of Animal Health, MDAR  
Rose Stanley, MassDEP  
Paul Emond, MassDEP  
Sumner Martinson, MassDEP



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### **DRAFT:**

### **BWP SW 46 - RECYCLING, COMPOSTING OR CONVERSION PERMIT**

**Troiano Trucking, Inc.  
Animal Feed Dehydrator**

Effective Date: 21 days after final permit issuance date

MassDEP Region: Central

FMF Number: 348652

Expiration Date: 5 years from effective date

Transmittal Number: X259964

### **I. FACILITY DESCRIPTION**

Applicant and Permittee: Troiano Trucking, Inc.  
Mailing Address: 109 Creeper Hill Road  
North Grafton, MA 01536

Operation Name: Troiano Trucking, Inc.  
Operation Address: 109 Creeper Hill Road  
North Grafton, MA 01536

Operator: Troiano Trucking, Inc.  
Operator Address: 109 Creeper Hill Road  
North Grafton, MA 01536

Type of Operation: Food Conversion

Amount of Food: No more than 375 tons per day (tpd)  
Material Accepted: No more than 97,500 tons in any calendar year

### **Application for Permit for Recycling, Composting or Conversion (RCC) Operation**

Application: BWP SW 46: Permit for Recycling, Composting or  
Conversion (RCC) Operation

Prepared By: Tech Environmental, Inc.

Dated: December 8, 2014

Revised: March 6, 2015

## II. DEFINITIONS

Unless indicated otherwise, the following terms in this Permit shall mean as follows:

Applicant means Troiano Trucking, Inc. ("Troiano").

Application means the application, *Permit for Recycling, Composting or Conversion (RCC) Operation*, category BWP SW 46, Transmittal Number X259964, submitted to MassDEP for the operation discussed therein.

Board of Health (BOH) means the town of Grafton Board of Health.

Department or MassDEP means the Massachusetts Department of Environmental Protection.

Fresh Unwanted Food means material that has been approved for human consumption in the United States and is not currently solid waste, and therefore can be converted to a "Pelletized Animal Feed." Fresh Unwanted Food shall not include Raw Meat, Raw Meat Trimmings or Mammalian Products or food material from hospitals or healthcare facilities that treat or house potentially sick individuals.

Mammalian Products means animal products from mammals that included bones, hair, butcher shop trimmings, eyes, brain and spinal cord tissue.

MDAR means the Massachusetts Department of Agricultural Resources.

Meat means the flesh of animals used as food, including the dressed flesh of cattle, swine, sheep, or goats and other edible animals, except fish and poultry.

Municipal Solid Waste (MSW) means, pursuant to 310 CMR 19.000, any residential or commercial solid waste.

Operation means the Troiano Trucking, Inc. Animal Feed Dehydrator Operation located at 109 Creeper Hill Road, North Grafton, Massachusetts.

Operator and/or Permittee means Troiano Trucking, Inc.

Pelletized Animal Feed means the final product produced from the Operation described in the Application consisting of Fresh Unwanted Food that has been homogenized, dried (dehydrated) and converted to a uniform size.

Plate Waste means Fresh Unwanted Food that comes from food service at restaurants and institutions.

Property means the Troiano Trucking, Inc., site located at 109 Creeper Hill Road, North Grafton, Massachusetts, 01536.

Raw Meat means uncooked meat.

Raw Meat Trimmings or Trimmings means Fresh Unwanted Food that is removed from Raw Meat and will not be included in Pelletized Animal Feed as part of this Operation.

Residual means all waste remaining after treatment or processing. Residual remaining after treatment or processing is not pre-sorted material. Air and water discharges managed in accordance with applicable regulations are not residuals.

Site means the Troiano Trucking, Inc., site located at 109 Creeper Hill Road, North Grafton, Massachusetts, 01536.

USDA means the United States Department of Agriculture.

Vector means an organism that is capable of transmitting a pathogen from one organism to another including, but not limited to, flies and other insects, rodents, birds, and vermin.

### **III. DESCRIPTION OF FACILITY AND APPLICATION**

Troiano Trucking, Inc. is located in a district in North Grafton, Massachusetts that is zoned office/light industrial. Troiano currently operates a conditionally exempt food waste recycling operation at the Site that commenced in 1998 in accordance with MassDEP regulations (310 CMR 16.05(3)) that were in effect at that time. The current operation accepts off-spec bread dough, expired bakery products and other such dry food waste and consolidates the material into larger loads for shipment to farms for use as feed for livestock. The Site also serves as a base of operation for Troiano's waste hauling business where trucks and dumpsters are stored on site.

Troiano intends through this Application to diversify its operation by expanding its customer base to include acceptance of Fresh Unwanted Food from such commercial and institutional sources as grocery stores, restaurants, schools, prisons, cafeterias and wholesale production facilities that produce or use fresh food for human consumption. The process will take the currently accepted off-spec bread dough and expired bakery products along with the Fresh Unwanted Food and homogenize it, pelletize it, heat treat it to pasteurize it and dehydrate it to stabilize it and store the Pelletized Animal Feed in on-site silos for daily shipment to animal food manufacturing plants. The Pelletized Animal Feed is not considered a finished feed itself but rather a component of a finished feed (i.e. a "filler," just as corn, soybean meal and many other ingredients are) and will be sold to feed mills.

### **IV. MASSDEP DETERMINATIONS**

MassDEP has reviewed the Application in accordance with Massachusetts General Laws Chapter 111, Section 150A, and the Massachusetts Solid Waste Regulations at 310 CMR 16.00. MassDEP, as a result of its review of the Application, has determined that the proposed conversion operation constitutes a Recycling, Composting or Conversion ("RCC") Operation, and it has determined that the subject Application complies with the application requirements set forth at 310 CMR 16.05(2): *RCC Permit Application*. MassDEP has reviewed the Application in accordance with the criteria set forth in 310 CMR 16.05(3): *Review Criteria*, and it has determined that Troiano's Application shall be approved based on the information contained therein.

Provided that the Operation is conducted in accordance with the applicable regulatory requirements at 310 CMR 16.05, and criteria and procedures as described in the Application, and provided that the Owner/Operator complies with the terms and conditions in this Permit as imposed by MassDEP pursuant to 310 CMR 16.05(4), the Operation will not require a

solid waste site assignment pursuant to 310 CMR 16.08 (*et seq.*), or a solid waste management facility permit pursuant to 310 CMR 19.000.

Please also be advised that if this Permit is violated, suspended or rescinded, the Operation shall be regulated under applicable sections of Massachusetts General Laws (MGL), Chapter 111, Section 150A, and the regulations promulgated there under at 310 CMR 16.00: *Site Assignment Regulations for Solid Waste Facilities*, and 310 CMR 19.000: *Solid Waste Management*. Failure to comply with these requirements could also lead to legal action that could include but not limited to, criminal prosecution, court imposed civil penalties, or civil administrative penalties assessed by MassDEP.

MassDEP hereby issues this DRAFT decision (hereinafter referred to as the "Permit") pursuant to the provisions and requirements established at 310 CMR 16.05, and the conditions and requirements outlined below.

## V. GENERAL CONDITIONS

**A. Materials Received:** The Operation shall not accept materials except as provided in the Application as may be modified by this Permit. No material changes in the design or activities described in the Application shall be performed without prior written MassDEP approval.

### B. Compliance:

1. The Operation shall obtain all other appropriate local, state and federal approvals or permits, including but not limited to, permits for air emission or water discharges;
2. The Operation shall be conducted in a manner that prevents an unpermitted discharge of pollutants to air, water, land or other natural resources of the Commonwealth, does not create a public nuisance, and does not present a significant threat to public health, safety or the environment;
3. The Operator shall ensure that the quality of the incoming materials and the final product is not contaminated by toxic substances at levels which may pose a significant threat to public health, safety or the environment and is suitable for use as a Pelletized Animal Feed as described in the Application;
4. The Operator shall maintain a contingency plan that describes corrective actions to be taken for management of all unprocessed and processed organic materials and residuals in the event of equipment breakdowns, delivery of unacceptable material, spills, fires, extreme weather events or other events, including but not limited to the failure of the odor or vector control plan;
5. The Operation shall maintain appropriate distances from sensitive human and environmental receptors, such as residences, schools, public and private water supply wells, wetlands, streams and rivers in full compliance with local, state, and federal requirements;

6. The Operator shall minimize generation of residuals, limiting the amount of solid waste or other materials mixed in with incoming recyclable or organic materials;
  7. The Operator shall ensure proper disposal of residuals;
  8. The Operator shall limit the length of time that incoming material, products and residuals can be on-site and in no case will create a public nuisance;
  9. The Operator shall maintain equipment that is appropriate for the size and type of the Operation;
  10. The Operator shall ensure that all solid and liquid materials produced as a result of the operation are managed in accordance with all other applicable regulations and approvals;
  11. The Operator shall submit annually to MassDEP a compliance certification in accordance with 310 CMR 16.06(1);
  12. The Operator shall operate in compliance with 310 CMR 16.00 including, but not limited to, Section 16.01: *General Requirements*;
  13. Pursuant to 310 CMR 16.01(8)(a)8., failure to comply fully with the applicable provisions of 310 CMR 16.00, this Permit, or any other applicable MassDEP permits or approvals shall be a violation of 310 CMR 16.00; and
  14. Pursuant to 310 CMR 16.01(8)(b)2., MassDEP may, whenever it has cause to believe that a violation has occurred, without limitation, rescind, suspend, revoke, or modify this Permit and/or initiate an enforcement action in accordance with applicable statutes or regulations. Pursuant to 310 CMR 16.01(8)(b)2., where a permit is rescinded, suspended or revoked by MassDEP, the owner or operator shall cease operations until:
    - a. the owner or operator corrects the violation to the satisfaction of the MassDEP; or
    - b. the owner or operator applies for and obtains a site assignment and solid waste management facility permit.
- C. Compliance with Other Requirements:** This Permit does not relieve the Operator from the obligation to comply with all applicable state, federal and local laws and regulations. This Permit shall not supersede, nor otherwise diminish, the Operator's requirement to comply with other permit(s), issued by the Town of Grafton including, but not limited to, permits issued by the Town of Grafton Planning Board.
- D. Access:** The Operation, including without limitation, relevant operating records, shall be subject to inspections by MassDEP, the Town of Grafton and/or the BOH without prior notice. Without limitation, the Permittee shall provide to MassDEP personnel or

authorized representatives of MassDEP access to information and the Property in accordance with 310 CMR 16.01(5): *Access to Facilities and Properties*.

- E. Request for Information:** Pursuant to 310 CMR 16.01(5), where necessary to ascertain facts relevant to compliance or to actual or potential harm to public health or safety, actual or potential public nuisances, or actual or potential damage to the environment that may be caused by the disposal, handling, management, placement, processing, reuse, storage, transfer, treatment or use of solid waste or recyclable or organic materials, MassDEP may request and any person shall, within a reasonable time, furnish the requested information and shall permit said MassDEP personnel or authorized representatives to have access to and to copy, or to take images of, all records relating thereto.
- F. Liability:** This Permit is issued subject to the conditions of joint and several liability in accordance with 310 CMR 16.01(6): *Joint and Several Liability*.
- G. Permit Transfer:** Pursuant to 310 CMR 16.05(7)(a)4., the Operator shall notify the MassDEP and the BOH of any proposed change in the Permittee's name or transfer of the Permit or ownership of the Operation or Property not less than thirty (30) days before the effective date of the proposed action. Pursuant to 310 CMR 16.05(7)(b), MassDEP may require submittal of a revised RCC permit application.
- H. Permit Modifications:**
1. Pursuant to 310 CMR 16.05(7)(a): *RCC Permit Modifications*, the Permittee shall notify the Department and the BOH of proposed changes in design or operations where:
    - a. the owner or operator intends to recycle, compost or convert material(s) different from those materials for which this Permit was granted;
    - b. the design and/or management of the Operation is to be altered;
    - c. the owner or operator proposes to increase the volume or quantity of materials to be handled by the Operation above that volume or quantity established in the Permit; or
    - d. as otherwise specified in this Permit.
  2. Pursuant to 310 CMR 16.05(7)(b), where the Department determines that a change in design or operation is significant, the Department may require the submittal of a revised RCC permit application, pursuant to 310 CMR 16.00 and 310 CMR 4.00, with a copy submitted to the BOH, for review. Review of such revised RCC permit modification application shall be as if it were an initial RCC permit application.
- I. Operation Interruption:** In the event the Operation is temporarily or permanently interrupted or discontinued for any reason, the Operator shall, promptly and in a timely manner, notify MassDEP of the interruption/discontinuation, and as deemed necessary, remove, recycle, or dispose of any/all remaining waste materials and products from the Site/Operation in accordance with all applicable regulations, including, but not limited to: 310 CMR 16.00 and 310 CMR 19.000.
- J. Enclosed Operations:** The Operator shall conduct all materials management activities involved in the Operation in a manner to prevent spills and releases. All handling of



incoming Fresh Unwanted Food materials shall be inside the receiving building that contains both the wet and dry dump hoppers and all other material handling shall be inside the receiving building or the building to be constructed adjacent to it, on impervious surfaces, or within the designated areas, as described in the Application as well as in accordance with the applicable regulations set forth at 310 CMR 16.00. All such material management/storage areas of the Operation at the Site (including proximate surrounding areas), shall be maintained in a clean, orderly and sanitary condition in order to protect the public health, safety, welfare and the environment.

**K. Hours of Operation:**

1. Fresh Unwanted Food may only be received at the Operation or shipped from the Operation Monday through Friday from 7:00 a.m. to 4:00 p.m.
2. Fresh Unwanted Food may be processed at the Operation within enclosed buildings as described in the Application 24 hours a day, seven days a week.

The hours of operation shall comply with requirements imposed by any local, state or federal agency, including but not limited to the town of Grafton Planning Board.

**VI. SPECIFIC CONDITIONS**

- A. Amount and Type of Material Accepted:** The Operation shall not accept more than three hundred seventy-five (375) tons per day (tpd) and not more than ninety-seven thousand five hundred (97,500) tons per calendar year (375 tpd x 260 operating days) of Fresh Unwanted Food as defined in section II above.

All food materials accepted at the Operation shall meet the definition of Fresh Unwanted Food as defined in section II. above. The Operation shall not accept any slaughterhouse wastes or raw meat or trimmings. MassDEP reserves the right to modify, at any time deemed necessary, the requirements for the acceptance of any feedstocks, based on information received by other regulatory agencies.

- B. Compliance with MDAR:** The Operator shall comply with the conditions listed below:

1. The Operator shall not accept or process slaughterhouse wastes and raw meat and trimmings at the Operation.
2. The Operator shall take the following actions to ensure that raw meat and trimmings are not introduced into the containers at the facilities that supply them with Fresh Unwanted Food:
  - a.) clearly label all containers to exclude raw meat and trimmings;
  - b.) train and periodically retrain all participants in the supply chain, including source personnel, collection, processing, transportation and receiving workers; and

- c.) direct providers to divert any containers that are found to contain raw meat or trimmings to a recycling, composting or conversion operation that is approved to take such waste.

3. The Operator shall ensure that the two-step heating and dehydration process described in the Application as well as in the October 1, 2014, memo from Troiano to Dr. Lorraine O'Connor, State Veterinarian, MDAR, is employed as described in said Application and memo, to inactivate specific pathogens such as the viruses that cause Foot and Mouth Disease and Classical Swine Fever also called Hog Cholera and therefore prevent the introduction of these diseases to a swine herd.

4. The Operator shall register its pelletized animal feed under the MDAR Commercial Feed Rule prior to the commencement of its new animal feed dehydrator Operation as described in this Permit and in the Application.

5. The Operator shall meet the labeling requirements of the MDAR Division of Crop and Pest Services Feed Control Official 330 CMR 14.00.

6. The Operator shall ensure that only Fresh Unwanted Food from out-going domestic flights from Massachusetts airports be accepted at the Operation and no Fresh Unwanted Food shall be accepted from incoming international flights or shipping vessels. Prior to the acceptance of any Fresh Unwanted Food from airports at the Operation, the Operator shall first provide MassDEP a detailed listing of those establishments generating Fresh Unwanted Food for MassDEP's review and approval.

**C. Air Quality:** The Operation shall comply with all of the requirements of the separate Air Quality Plan Approval issued by MassDEP for the Operation.

Noise from the Operation during routine operation, including start ups and shut downs, shall not exceed MassDEP noise guidelines and shall not cause a condition of air pollution as defined in 310 CMR 7.01 and 7.10.

**D. Odor Control:** The Operator shall maintain the Odor Control Plan included in the Application, or another odor control plan that MassDEP approves and that is appropriate for the Operation. The Odor Control Plan shall minimize the production and migration of odorous compounds and identify specific actions that will be taken to address complaints if unacceptable odors occur beyond the property line of the Operation. Any odor complaints received by the Operation shall be immediately forwarded to MassDEP and the Grafton Board of Health. The Operator shall respond to all odor complaints or odor issues as outlined in the Odor Control Plan of the Application, and shall take all necessary steps to mitigate or eliminate nuisance odors. MassDEP reserves the right to require the Operator to institute additional odor control measures, at any time deemed necessary by MassDEP, to control nuisance odors. Such additional control measures may include the development of a more comprehensive Odor Control Plan prepared by a qualified expert approved by MassDEP. If a more comprehensive Odor Control Plan is required, it shall be submitted by the Operator to MassDEP within ten (10) calendar days of the date of the request by MassDEP.

**E. Analytical Testing:** MassDEP reserves the right to require the Applicant to perform analytical testing of any materials received at the Operation and/or wastes resulting from the process, at any time deemed necessary by MassDEP. The parameters for testing and the frequency of testing shall be at MassDEP's discretion, after consultation with the Applicant.

**F. Staffing:** The Operator shall provide and maintain an adequate number of trained staff at the Operation to ensure that the Operation is operated and maintained as designed, in accordance with good management practices and in accordance with the conditions required to be met at all times material is being delivered to or transferred from the Operation. Staff shall be knowledgeable of:

1. the applicable requirements of 310 CMR 16.00 and 19.000; and
2. the procedures and plans for the proper operation and maintenance of the Operation, including, without limitation, the conditions set forth in this Permit.

**G. Employee Facilities:** The Operator shall provide proper shelter and facilities for employees working at the Operation. The shelter and facilities shall contain:

1. sufficient light and heat;
2. a safe drinking water supply;
3. sanitary hand-washing and toilet facilities;
4. an operational telephone or two-way radio system; and
5. other equipment or appurtenances necessary for full compliance with federal and state worker health and safety requirements.

**H. Unloading:** Access to the Operation shall be limited to such periods of time as an attendant is on duty who is knowledgeable of the practices and procedures for the proper unloading and transfer of materials at the Operation, including, without limitation, the Operation's plans and procedures for controlling odors and for preventing and controlling spills. The Operation shall provide for continuous supervised unloading of materials received only from authorized vehicles/users. Authorized users shall unload material only under all of the following conditions: at the direction of Operation staff, in the Operation's designated dry and wet receiving dump hoppers, and between 7 AM and 4 PM Monday through Friday.

**I. Inspection of Incoming Material:**

1. All incoming loads of material at the Operation shall be inspected to determine the presence of unacceptable materials.
2. All loads that contain unacceptable materials shall be handled and managed in accordance with all applicable state laws and regulations including without limitation, 310 CMR 19.000, 310 CMR 7.00, 310 CMR 30.000, and 310 CMR 40.0000 and as set forth in this Permit.

3. The Operator shall ensure that all loads of off-site material accepted at the Operation are only from approved feedstock sources, which have been tested and meet the standards of this Permit. The Operator shall ensure that all incoming loads have a driver's manifest, containing the information outlined at Condition VI.N.2.b.

**J. Vector Control:**

The Operator shall maintain a Vector Control Plan that is appropriate for the Operation that will minimize the presence of vectors and that identifies specific actions that will be taken to address complaints if vectors occur beyond the property line of the Operation. Any vector complaints received by the Operation shall be immediately forwarded to MassDEP and the Grafton Board of Health. The Operator shall respond to all vector complaints as outlined in the Vector Control Plan of the Application, and shall take all necessary steps to mitigate or eliminate vectors. MassDEP reserves the right to require the Operator to institute additional vector control measures, at any time deemed necessary by MassDEP, to control vectors. Such additional control measures may include the development of a more comprehensive Vector Control Plan prepared by a qualified expert approved by MassDEP. If a more comprehensive Vector Control Plan is required, it shall be submitted by the Operator to MassDEP within ten (10) calendar days of the date of the request from MassDEP. The application of pesticides shall be made only by a pesticide operator licensed by the Massachusetts Pesticide Board.

**K. Fire Protection:** The Operator shall take suitable measures for the prevention and control of fires at the Property by complying with the following:

1. Mount detachable fire extinguishers, maintained in working order, on all equipment and in all buildings.
2. Ensure that no materials are stored, held, maintained or placed in such a manner as to pose a fire hazard.
3. The Operator shall be responsible for seeking fire-fighting assistance, initiating and providing assistance and/or resources for fire-fighting actions until all smoldering, smoking and burning cease.
4. The Operator shall prepare a Fire Contingency Plan if required to do so by the Grafton Fire Department.

**L. Instruction of Contractors and Employees:** The Operator shall provide an adequate number of trained staff to ensure that the Operation is operated and maintained as designed, in accordance with good solid waste management practices and with this Permit. Without limitation, the Operator shall:

1. Instruct all contractors and employees in the requirements of this Permit, as applicable to their work; and the Operator shall maintain and make available at the Property a copy of this Permit and all approved plans, appendices, protocols and attachments for use by the Operator's contractors and employees.
2. Ensure that all employees and substitute employees of the Operation, including without limitation, inspectors, workers, laborers, handlers, equipment operators, and

supervisors, are properly trained, licensed and/or certified to perform the tasks required at the Operation.

3. Assure that the individual(s) assigned to inspect and supervise the unloading of all vehicles delivering material to the Operation have adequate training, knowledge and understanding of all applicable regulations and the requirements of this Permit.
4. Certify for each employee of the Operation that the employee has been trained and that said individual is knowledgeable regarding the requirements of this Permit, the approved plans and good solid waste management practices applicable to his or her duties. The training certifications shall include a description of each individual's job duties and training.
5. Maintain at the Property a record of employee training and a certification by the Operator that each employee has been trained and is knowledgeable regarding the requirements of this Permit, good solid waste management practices and the respective functions that they are required to perform. Such training certifications shall include a description of each individual's job duties and training.

**M. Inspections:** The Facility shall be inspected quarterly (every three months) by a registered professional engineer, or other qualified professional approved by MassDEP and experienced in solid waste management. For each quarterly inspection, the inspector shall prepare an inspection report that describes and reports in detail the results of his or her inspection of the Operation's compliance with all applicable requirements, including but not limited to:

1. The inspection shall assess the Operation's operation and maintenance practices and procedures to determine whether the Operation is in compliance with all applicable requirements, including, but not limited to, requirements set forth in:
  - a. 310 CMR 16.00;
  - b. The Operator's Operation and Maintenance Plan;
  - c. Orders or other enforcement documents issued to the Operator; and
  - d. This permit, other permits, approvals, determinations and authorizations issued to the Operation by the Department.
2. Prior to conducting the inspection, the inspector shall identify and review all requirements applicable to the operation and maintenance of the Operation, including but not limited to those requirements identified in this permit and in 310 CMR 16.05.
3. During each inspection the inspector shall examine and evaluate the Operation's conversion activity, equipment, operations, practices, procedures, and records that shall include without limitation:
  - a. the status and condition of operating and monitoring equipment, structures, appurtenances and devices related to the conversion activities carried out at the Operation;

- b. each operational aspect of the Operation related to material handling, processing, recycling, storage and disposal, including but not limited to:
    - i. vehicle weighing and recording of scale data;
    - ii. tipping areas and the unloading of incoming materials;
    - iii. inspection and handling of incoming and outgoing waste and other materials regulated by the Department, including but not limited to the rejection of unsuitable material and the handling of residuals;
    - iv. types and quantities of materials received; and
    - v. finished product stored and shipped;
  - c. status of all Operation record keeping;
  - d. material handling areas and equipment; and
  - e. the condition of the Operation, including evidence of dust, litter, odors, and other nuisance conditions, security measures such as fencing and gates, access roads marked and maintained, storm water management controls and any management system(s).
4. Where an inspector observes that the operation or maintenance of the Operation deviates from the aforementioned applicable requirements, he or she shall document all such deviations and recommend corrective actions for the Operation to take to return to compliance with such requirements.
5. The inspection shall be unannounced and randomly timed during the Operation's normal operating hours.
6. Each inspection report shall be signed and certified by the inspector in accordance with 310 CMR 16.07: *Certification*. Copies of the inspection reports shall be submitted to MassDEP-CERO and the Town of Grafton Board of Health within 30 days of the date of completion of the inspection.

**N. Record Keeping and Reporting:** The Operator shall maintain all records and copies of all reports required by this Permit and approved plans, and other operational information necessary to demonstrate compliance with 310 CMR 16.00 and this Permit. The Operator shall maintain such records and information for at least three (3) years and the Operator shall make such records and information available at the Operation upon request to authorized representatives of MassDEP and the Town of Grafton/BOH. The Operator shall maintain records and provide reports/certifications to MassDEP in compliance with 310 CMR 16.00, including but not limited to, the following:

- 1. *Copy of Permits & Approvals* – The Operator shall maintain, at the Property, and, upon request, make available to authorized representatives of MassDEP and the Town of Grafton/BOH for review, a complete copy of this Permit and all approved plans, appendices, protocols and attachments, and all records, logs, feedstock sampling results, and reports required to be maintained by this Permit.

2. *Daily Log* – The Operator shall create and maintain at the Property a daily log for each day that materials are either delivered to, stored at, or transferred off-site from the Operation that shall include, at a minimum:

- a. The date the log was completed;
- b. A daily summary of materials received, including, for each load received: the source (generator); the type of material; the size (tons or cubic yards); and the identity of the truck (trucking company and truck license plate #). The daily summary shall convert the total incoming volume of materials to tons;
- c. A daily summary of any materials shipped for recycling/re-use or disposal, itemized by material type;
- d. A log of any transferred loads of material rejected by the receiving facility, including the date of the rejection, name/location of the facility that rejected the load, the reason for rejection and the ultimate disposition of the rejected load contents;
- e. A description of any deviations from the approved plans and operating procedures, as they relate to this Permit, or from this Permit;
- f. A description of the actions taken, and/or to be taken, to mitigate or correct operational problems which are deviations from the approved plans and operating procedures, as they relate to this Permit, or from this Permit;
- g. A log of any complaints received regarding the Operation including, but not limited to, the emission of dust, odor, and/or noise from the Operation; and
- h. A description(s) of actions taken, and/or to be taken, in response to a complaint regarding the Operation.

3. *Employee Training* - Maintain at the Property a record of the employee training required by Section VI.L. of this Permit.

4. *Annual Compliance Certification* – By no later than February 15<sup>th</sup> of each year, the Operator shall submit to MassDEP an annual compliance certification in accordance with 310 CMR 16.06(1): *Compliance Certification Requirements*.

5. *Annual Report* – By no later than February 15<sup>th</sup> of each year, the Operator shall submit to MassDEP an annual operations report for the preceding calendar year. A copy shall also be submitted to the BOH. Wherein a form is published by the Department for the annual report, the annual report shall be submitted on and provide the information requested in that form. Should the Department not publish a prepared form for annual reports, this annual report shall include at a minimum:

- a. A monthly summary of the materials (in tons) accepted or shipped for conversion received during the prior calendar year that includes, itemized by type:
  - b. total material received, in tons;
  - c. total material shipped for disposal;
  - d. total materials, by type, shipped for conversion or composting; and

- e. summary of operational problems which are deviations from the approved plans and operating procedures, as they relate to this Permit, or from this Permit, including recommendations and a schedule for changes or modifications required to address such problems.
6. *Special Reporting* – The Operator shall notify MassDEP and the BOH in writing by no later than the close of the next business day, if not otherwise required to do so sooner, of the following:
- a. the discovery of any Special Waste or Hazardous Waste;
  - b. any incidents or disruptions which occur at the Operation that could affect the public health, safety, environment, or the Operation; or
  - c. any response to the Operation from other agencies, including without limitation, fire department, police department, or Occupational Safety and Health Administration.
  - d. Such notifications described shall be in addition to, and shall not substitute for, any notification(s) which may be required pursuant to 310 CMR 40.0000 (the Massachusetts Contingency Plan; “MCP”) and 310 CMR 30.000 (the Massachusetts Hazardous Waste Regulations), or other applicable law or regulation.
  - e. This written notification shall be made by FAX to MassDEP’s Solid Waste Management Section, Central Regional Office (FAX Number: 508.792.7621). If a FAX machine is not available, this notification may be made by telephone (508.767.2759) instead. Such notification by telephone or FAX shall be followed up by a certified letter within 24 hours. This notice shall, at a minimum, provide to MassDEP a description of the incident, the impact on the Operations, and a description of the actions the Operator intends to take to resume operations.
- O. Financial Assurance Mechanism:** In the event the Operation is terminated and to insure proper removal and disposal of materials on site, the Department requires the Applicant to provide a Financial Assurance Mechanism (FAM) in accordance with 310 CMR 19.051. The Financial Assurance Mechanism shall be approved by the Department prior to the start of the Operation. The Applicant shall not commence the Operation or any related activities until the FAM has been approved and established.
- P. Termination of Current Food Waste Recycling Operation:** The facility is presently the site of operation of a bakery waste recycling operation that commenced in 1998. Troiano has operated the bakery waste recycling operation pursuant to a conditional exemption from site assignment and solid waste facility permit requirements that was included in MassDEP’s regulations at the time but which is no longer in effect. Troiano’s bakery waste recycling operation will permanently cease operation prior to the first day on which Troiano commences its new animal feed dehydrator operation as described in this Permit and in the Application. On the first day of operation of the new animal feed dehydrator operation, all incoming Fresh Unwanted Food shall be accepted and processed exclusively for the production of animal feed pellets, and no material shall be accepted for the former bakery waste recycling operation.



**Q. Memorandum of Understanding:** Troiano's bakery waste recycling operation was the subject of enforcement action by the Massachusetts Attorney General's Office. *See Commonwealth Of Massachusetts v. Troiano Trucking, Inc. et al.*, Sup. Ct. Civil Action No. 05-0676F (Troiano"). On December 23, 2008, Justice Geraldine Hines of the Suffolk Superior Court entered a Final Judgment for Contempt Claims in the matter of Troiano (the "December 2008 Final Judgment"), to which Troiano consented, that ordered Troiano, *inter alia*, to continue to be bound by all terms, conditions and orders of: a Settlement Agreement entered into between the Commonwealth and Troiano on or about June 26, 2006, a July 2006 Final Judgment, and a February 2007 Contempt Order. MassDEP will not issue a final permit in response to Troiano's Application for an animal feed dehydrator operation until Troiano has signed a Memorandum of Understanding with the Massachusetts Attorney General's Office that identifies which terms, conditions and/or requirements of the June 26, 2006 Settlement Agreement, the July 2006 Final Judgment, the February 2007 Contempt Order, and the December 2008 Final Judgment will remain in effect and binding upon Troiano in its operations at the Site even after Troiano discontinues its existing bakery waste recycling operations.

## VII. EFFECTIVE DATE

Pursuant to the provisions of 310 CMR 16.05(5)(a), this permit is a **draft** permit decision to grant the Application. This draft permit does not authorize Troiano to commence the proposed operation.

Troiano shall provide public notice in a daily or weekly newspaper of general circulation in the locality of the operation that contains:

- a. A description of the proposed operation including the type of technology, proposed tonnage, location and hours of operation;
- b. The identity and mailing address of the applicant;
- c. The public location where the Application and the draft RCC permit decision can be inspected;
- d. The time period for written comments on the application; and
- e. The facility address to which comments should be mailed:

James A. McQuade  
Massachusetts Department of Environmental Protection  
8 New Bond Street  
Worcester, MA 01606

The Department shall accept written comments from any person up to 30 days from the date the public notice is first published in a newspaper or a later date specified in the public notice. Submitting comments does not automatically make a person a party to the RCC permit proceeding.

Pursuant to the provisions of 310 CMR 16.05(5)(d), the Department shall schedule a public hearing on the draft RCC permit decision within the municipality wherein the proposed

operation is to be located upon request by the applicant, request by the municipality, or a determination by the Commissioner of the Department that sufficient public interest exists.

Pursuant to the provisions of 310 CMR 16.05(5)(e), the Department shall issue an RCC Permit decision following the 30 day comment period or after the public hearing, if one is held. The RCC permit decision is final after the 21<sup>st</sup> day following the date of issuance by MassDEP of the RCC permit decision, unless, a "Request for an Adjudicatory Hearing" is filed (refer to "Request for Adjudicatory Hearing" (below). In the event a "Request for an Adjudicatory Hearing" is filed, the RCC Permit decision would not become final until the Commissioner issues a final decision pursuant to 310 CMR 1.01(14): *Decisions*. Once the RCC permit decision is final, any stay of the RCC permit would be governed by M.G.L. c. 30A, §14.

#### **VIII. DURATION OF THIS DECISION**

This Permit shall terminate five years after the date on which an RCC permit decision regarding this Application becomes final, as described in section VII. above. In the event that the Permittee submits an application to MassDEP, in compliance with the provisions of this section, to continue operating, the Termination Date is extended to such time as MassDEP issues a final decision on the Permittee's application to continue operating. If MassDEP denies the application, then the Permittee shall cease the operations authorized by this Permit, in compliance with 310 CMR 16.00, within ninety (90) days of the date of MassDEP's denial of the application.

In matters of noncompliance at the Site/Operation, nothing in this section shall limit MassDEP's authority to require the Permittee to cease operations as authorized by this Permit pursuant to applicable statute and regulations and requirements as afforded under 310 CMR 16.00, should such be deemed necessary.

#### **IX. REQUEST FOR ADJUDICATORY HEARING**

**Request for Adjudicatory Hearing:** Any one or more of the following persons may request an adjudicatory hearing of the RCC Permit Decision in accordance with 310 CMR 16.05: the applicant; any aggrieved person as defined at 310 CMR 16.02; the municipality wherein the proposed operation is to be located; or a group of ten persons that has properly intervened pursuant to the requirements of 310 CMR 16.05(5)(c). Such request for an adjudicatory hearing shall be in writing and filed or postmarked within 21 days from the date of issuance of the RCC Permit Decision.

**Notice of Claim Procedure and Deadlines:** The adjudicatory hearing request shall be in the form of a Notice of Claim and shall comply with all the requirements of 310 CMR 1.01, Adjudicatory Proceeding Rules for the Department of Environmental Protection. (See also "Content of Notice of Claim" below). The request must be sent to the Case Administrator at the following address:

Case Administrator  
Office of Appeals and Dispute Resolution  
Massachusetts Department of Environmental Protection

One Winter Street, 2nd Floor  
Boston, Massachusetts 02108

with a copy to the issuing office of the Department at the address below:

Regional Director  
Massachusetts Department of Environmental Protection  
Central Regional Office  
8 New Bond Street  
Worcester, MA 01606

The person requesting the adjudicatory hearing shall also send a copy of the request for the adjudicatory hearing by first class mail or hand delivery to the applicant and to any person who has submitted an electronic or mailing address with timely written comments on the RCC Permit Decision to the Department. A list of such persons will be contained in the "cc" list of the RCC Permit Decision.

**Filing Fee:** A copy of the "Notice of Claim" and a MassDEP "Adjudicatory Hearing Fee Transmittal Form" (available through the Department website), along with a valid check or money order in the amount of \$100.00 payable to the Commonwealth of Massachusetts, must also be sent to the Department Lockbox at the following address:

Massachusetts Department of Environmental Protection  
Box 4062  
Boston, MA 02211

The Notice of Claim will be dismissed if the filing fee is not paid, unless the person filing the Notice of Claim is exempt or granted a waiver.

**Filing-Fee Exemptions:** A filing fee is not required from a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, municipal housing authority, a federally recognized Indian tribe or the MBTA.

**Filing-Fee Waivers:** The Department may waive the adjudicatory hearing filing fee pursuant to 310 CMR 4.06(2) for a person who demonstrates that paying the fee will create an undue financial hardship. A person seeking a waiver must file an affidavit setting forth the facts believed to support the claim of undue financial hardship along with the Notice of Claim as provided above.

**Content of Notice of Claim:** Pursuant to 310 CMR 16.05(6)(c), the matters that may be raised in a request for an adjudicatory hearing by a person who has the right to request an adjudicatory hearing are limited to the matters raised during the public comment period; provided, however, that a matter may be raised upon a showing that it was not reasonably possible with due diligence to have raised such matter during the public comment process or for good cause shown.

The Notice of Claim for adjudicatory appeal shall be dated and signed by the person on whose behalf the filing is made or by the person's authorized representative, shall comply with all of the requirements of 310 CMR 1.01 and 310 CMR 16.05, and shall contain the following information:

- (1) The Department File Number;
- (2) The name, address, telephone and facsimile number and email of the person filing the Notice of Claim. If the person is the applicant, please indicate if the name, address or other information has changed since the date of the application;
- (3) If represented by counsel, the name, address, telephone and facsimile number and email of the attorney;
- (4) If the person is a municipality, a statement indicating the status of the person filing the request as a board of selectmen or mayor of a municipality wherein the proposed operation that is the subject of the Permit Decision is located and a demonstration of appropriate participation by the municipality in the permit proceedings;
- (5) If the person is an aggrieved person, a demonstration of aggrievement;
- (6) If the person is a 10-person group, a demonstration of appropriate intervention in the permit proceedings, affidavits from each group member stating his/her intent to be a part of the group and to be represented by its authorized representative, if any, and the name, address, telephone and facsimile number and email of the authorized representative, if any, and each group member;
- (7) A clear and concise statement of the facts which are grounds for the appeal, the relief sought and any additional information required by applicable law or regulation;
- (8) A copy of the Permit Decision being appealed;
- (9) A statement that a copy of the Notice of Claim has been sent to the applicant, the Department's issuing office and all persons who submitted an electronic or mailing address with timely written comments on the draft Permit Decision to the Department; and
- (10) If the matter is major or complex as defined in 310 CMR 16.05, a request to the Presiding Officer to deem the matter major or complex setting forth specific reasons supporting that request.

When the contents of a Notice of Claim do not meet the requirements of 310 CMR 1.01 or any other applicable regulations, the Presiding Officer may dismiss the appeal.

05/06/15  
Date

James A. McQuade  
James A. McQuade  
Section Chief  
Solid Waste Management Program